

Serial No. 09/911,851
Amdt. Dated October 13, 2004
Reply to Office Action of July 13, 2004

Docket No. CIT/K-0152

REMARKS/ARGUMENTS

Claims 1, 5, 6, 21-23, and 25-33 are pending, of which, claim 29 is allowed. By the Amendment, claims 1, 5, 6, 23, 26, and 28 are amended, claims 2-4 and 24 are cancelled without prejudice or disclaimer of the subject matter therein, and new claims 30-33 are added. It is believed no new matter is introduced into the application. Support for the claims can be found throughout the original specification, including the claims and the drawings originally filed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. § 1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

Applicant sincerely acknowledges the indication in the Office Action, at page 5, that claim 29 is allowed. However, Applicant can not acknowledge the Statement of Reasons for Allowance, for the purpose of prosecution history estoppel, for at least the reason that the Statement does not correspond to the recitation of the claim word-for-word. Applicants further acknowledge the indication in the Office Action, also at page 5, that claims 4, 5, 24, and 26

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would be allowable if rewritten in independent form. However, Applicant respectfully submits that all pending claims are in condition for allowance.

The Office Action, at page 2, rejects claims 1-3, 6, 21-23, 25, 27, and 28 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,532,712 to Tsuda et al. in view of U.S. Patent No. 6,598,148 to Moore et al. Because the references, individually or in combination, fail to disclose all the features of the claims, the rejection is respectfully traversed.

With respect to claims 1-3, 21, 22, 25, and 27, Applicant respectfully submits that subject matter indicated as allowable in claim 4 is incorporated in claim 1 for the sole purpose of expediting prosecution of the application. Therefore, claim 1 defines patentable subject matter.

For at least the above reasons, Applicant respectfully submits that claim 1 is allowable. Claims 21, 22, 25, 27, and 28 depend from claim 1, and thus are allowable for at least the same reasons, as well as additional patentable features recited therein and the combinations thereof. Withdrawal of the rejection is thus respectfully requested. Claims 2 and 3 are cancelled, and the rejection thereof is therefore moot.

With respect to claims 5, 6, 23, 24, and 26, Applicant respectfully submits that claims 5, 23, and 26 are rewritten in independent form and/or to incorporate subject matter indicated as allowable, for the sole purpose of expediting prosecution of the application. Therefore, independent claims 5, 23, and 26 define patentable subject matter.

For at least the above reasons, Applicant respectfully submits that claims 5, 23, and 26 are allowable. Claim 6 depends from claim 5, and thus is allowable for at least the same reasons, as

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well as additional patentable features recited therein and the combinations thereof. Withdrawal of the rejection is thus respectfully requested. Claim 24 is cancelled and the rejection thereof is therefore moot.

Applicant respectfully submits that newly added claims 30-33 respectively depend from independent claims 5, 23, and 26, and thus are allowable for at least the same reasons, as well as for additional patentable features recited therein and the combinations thereof. Allowance of claims 30-33 is thus earnestly solicited.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Garth D. Richmond, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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